



Public Protection Cabinet Department of Financial Institutions

Open Records Requests Procedural Manual

Department of Financial Institutions
Open Records Requests Procedure

1. Requests should be made to the official records custodian (Anya Carnes). If the request is received by someone in the agency other than the records custodian the request should immediately be forwarded to the official records custodian.
2. Custodian logs requests upon receipt in the open records register as well as notifying the Commissioner, Deputy Commissioner and General Counsel.
3. Request is forwarded to the appropriate Division Director for review/response.
4. Custodian may require written application describing the records to be inspected.
(Appendix A)
5. A commercial/non-commercial certified statement must be received with all requests.
(Appendix B)
6. The agency must respond in writing within three business days excluding the day of receipt whether the request will be granted and when the records will be available.
7. If the request is denied, the agency must cite the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to that record.
8. The agency is not required to create records to satisfy a particular request.
9. The agency may charge \$.10 per page for copies of records or \$1 per CD.
10. If the request is for commercial use the agency may charge the requestor an hourly rate for both the custodian and staff time expended in preparing the response.
11. Payment must be received prior to the agency releasing the requested records.
12. The General Counsel or another attorney assigned by the General Counsel reviews the agency response before any information is released to the requestor.
13. Log the date the request was fulfilled in the register.
14. Keep all records related to the request for the period prescribed in the General Schedule for State Agencies, Records Retention Schedule, Series M0016 and M0017.

**Christina Hayden is the secondary contact if the official records custodian is unavailable.*



**PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS**

1025 Capital Center Drive, Suite 200, Frankfort, KY 40601
Phone: (502) 573-3390; Fax: (502) 573-8787
www.kfi.ky.gov

REQUEST TO INSPECT PUBLIC RECORDS

DATE: _____

TO: **Open Records Custodian, Department of Financial Institutions**

1. I hereby request to ☐ inspect or ☐ receive copies of the following records (*please be specific*):

2. In lieu of inspection, select the format in which you would like to receive the requested records:

- ☐ CD - \$1 each
☐ Paper copies - \$.10 per page
☐ PDF File attached to an email (limited availability)

You will be notified of the amount due once the records are available.

3. Attach certification of Commercial or Non-commercial Purpose.

Sign Name: _____

Print Name: _____

Company: _____

Address: _____

PLEASE NOTE:

- Records containing confidential information may not be available for inspection. In lieu of inspection, the agency will provide copies of the requested records with confidential information redacted.
- Requestor's payment must be received prior to document release.
- Make check or money orders payable to the Kentucky State Treasurer.
- Do not submit payment until you receive a fee request letter.

INSTRUCTIONS FOR COMPLETION: ALL REQUESTS MUST BE SIGNED, LEGIBLE, AND CONTAIN THE INFORMATION SET FORTH IN THIS FORM. The request may be submitted as an electronic PDF file. All requests must be submitted to the attention of the Open Records Custodian as follows: Facsimile (502) 573-8787; Email: Anya.Carnes@ky.gov; or by mail or in person to: Kentucky Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, KY 40601.

CERTIFIED STATEMENT OF NON-COMMERCIAL PURPOSE

* * * * *

I hereby certify under penalty of law that, pursuant to KRS 61.874(4) & (5), the records requested by me on the _____ day of _____, 20____, from the Kentucky Public Protection Cabinet, Department of Financial Institutions, are not for a commercial purpose.* I further certify and affirm that I shall not use or knowingly allow the use of these records for a commercial purpose.

This the _____ day of _____, 20_____.

Sign Name: _____
 Print Name: _____
 Company: _____
 Address: _____

* This term is defined in KRS 61.870(4) as follows:

“Commercial purpose” means the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

“Commercial purpose” shall not include: (1) publication or related use of a public record by a newspaper or periodical; (2) use of a public record by a radio or television station in its news or other informational programs; or (3) use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties.

INSTRUCTIONS FOR COMPLETION: ALL STATEMENTS MUST BE SIGNED, LEGIBLE, AND CONTAIN THE INFORMATION SET FORTH IN THIS FORM. The certification may be submitted as an electronic PDF file. The completed certification must be submitted to the attention of the Open Records Custodian as follows: Facsimile (502) 573-8787; Email: Anya.Carnes@ky.gov; or by mail or in person to: Kentucky Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, KY 40601.

CERTIFIED STATEMENT OF COMMERCIAL PURPOSE

* * * * *

I hereby certify under penalty of law that, pursuant to KRS 61.874(4) & (5), the records requested by me on the _____ day of _____, 20____, from the Kentucky Public Protection Cabinet, Department of Financial Institutions, are for a commercial purpose.* The commercial purposes for which the records shall be used are as follows:

This the _____ day of _____, 20_____.

Sign Name: _____

Print Name: _____

Company Name: _____

Address: _____

* This term is defined in KRS 61.870(4) as follows:

“Commercial purpose” means the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

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